

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joseph Anthony Washington,

Civil No. 09-2455 (DWF/JSM)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Joan Fabian,
Commissioner of Corrections,

Respondent.

Joseph Anthony Washington, *Pro Se*, Petitioner.

Matthew Frank, Assistant Attorney General, Minnesota Attorney General's Office,
counsel for Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 26, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's application for leave to proceed *in forma pauperis*, (Doc. No. 3), is **DENIED**; and
2. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 2, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge